## SANTA MONICA MOUNTAINS CONSERVANCY

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## Draft Supplemental Environmental Impact Report for the Northlake Specific Plan Phase 1, Tentative Tract Map No. 51852, SCH No. 2004081092

Dear Ms. Tran:

The Santa Monica Mountains Conservancy offers the following additional comments on the above referenced proposal.

The defects in the Specific Plan and the draft SEIR are sufficiently severe that both need to be redone and a new EIR which addresses the entire Specific Plan area needs to be written and circulated for public review and comment.

## A. A NEW SPECIFIC PLAN SHOULD BE REQUIRED

The proposed project so thoroughly alters the approved SP that the proposed project should not be considered an amendment, but a completely new SP. The project is not limited to the "minor additions and changes to the SP" that are claimed throughout the EIR, but are a complete overhaul to, and expansion of, the approved SP For instance:

- The approved land use plan is to be replaced with a completely different land use plan, resulting in a completely different spatial distribution of housing and housing types, trails, parks, open space, water tanks, detention basins, etc.
- The proposed circulation, phasing, grading, wastewater, water, trails, and recreation plans are completely different from the approved plans.
- The project now proposes to relocate a crude oil pipeline that runs the length of the project site from its on-site location to an area owned by the Castaic Lake Recreation Area and

Los Angeles Department of Water and Power approximately 1,500 to 2,000 feet east and outside of the SP area. (Note: authorization from both agencies must be required prior to approval of the project, not as a condition of approval as indicated in the draft SEIR).

The proposal increases the approved number of units by 360. Though the allowable density for the site may be 3,983 units, the original SP proposed and was approved for 3,623 units (see page I-1 of the SP). Allowable density of a site and the number of units actually approved are not the same thing. The phasing plan, water demand analysis, wastewater generation analysis, student generation analysis, and the traffic impact analysis, as well as the entire EIR prepared for the approved SP are all based on the approved 3,623 units.

In addition, in Section B. 1. Proposal Description on page I-6 of the SP, it states that should there be a Development Agreement (DA), "future development would be further controlled by the specific requirements contained as part of the conditions of the Development Agreement." Finding 2 in the Findings of the Board of Supervisors and Order Development Agreement 87-173, which approved the SP and DA states that "Development Agreement 87-172(5) relates to the proposed development of ...2,337 single family...and 1,286 multiple family dwelling units" or 3,623 units.

- The proposed SP Amendment fails to describe land uses by Planning Area, thus making a comparison of consistency of the proposed project with the approved SP impossible. As noted in the County's own April 11, 2007 staff report: "A transfer of residential dwelling units between planning areas is permitted within the Specific Plan. In no case shall the transfers of dwelling units exceed the planning area maximums by more than 20 percent. Staff cannot accurately determine if this proposed development exceeds the maximum amount allowed for dwelling unit transfers without the depiction of the approved Planning Areas. As currently submitted, the SPA request does not include the request for planning area adjustments although it was included in the Development Agreement Amendment." This illustrates the need for the applicant to submit a revised Specific Plan for the entire SP area.
- The project now includes substantial off-site grading to prepare an abutting site for a future large high school. A CUP to do this grading is being requested as part of this project. A CUP is needed because the "borrow site" is located in a Hillside Management Area and the several million cubic yards of earth to be removed exceeds the 100,000 cubic yard threshold requirement for a CUP. The site for the high school is owned by the same developer as the Northlake SP. The millions of cubic yards of earth removed from the site will be used within the SP. The SP provides the sole means of access to this high school and will provide 100% of the school's infrastructure needs. The SP has been modified to accommodate the high school. Construction of the high school is completely dependent on the SP. For these reasons, the high school must be considered part of a new SP.

In fact, in the attached comment letter dated October 18, 2004 from the Director of the County Department of Regional Planning to the Hart School District regarding the draft EIR prepared for the high school, the County states that the high school, "...cannot be a separate project under the California Environmental Quality Act (CEQA)..." from the Northlake Specific Plan. It continues, "The subdivision (Northlake SP) and the high school are inextricably linked and only a single CEQA document will comply with the intent of CEQA." It further states,

"It is now very clear that the 60 acres of the proposed high school site is a needed borrow site for fill material to implement the build out of the Northlake Specific plan. This being the case, the high school site and the Northlake residential project are a single grading project, one not being able to be completed without the other and CEQA demands that the whole of this action be analyzed as a single project. The separate environmental evaluation of the two proposed development actions is not keeping with the intent of CEQA."

"The stated objective (of the high school to utilize infrastructure of the Northlake SP) is further evidence that the two development actions are a single CEQA project."

The letter cites several more instances of the County's position that the high school and Northlake SP are a single project and need to be evaluated as such. This is further evidence that a new SP should be required and the SP boundaries should be amended to include the high school and borrow area.

- The approved SP indicates that grading is to be balanced on site. The amendments propose to import about 5 million cubic yards of earth from offsite.
- According to the April 5, 2007 letter from the applicant's attorney at Cox Castle Nickleson, "The approved Specific Plan includes 331 acres of open and recreation space for this portion of the project site. The project will provide 312 acres of open and recreation space on-site, and an additional 91 acres of natural open space and 21 acres of joint-use recreation space off-site." According to page 3-25 of the DSEIR, it would appear that this additional natural open space/habitat restoration area is on property in the lower portion of Grasshopper Creek Canyon which extends outside the boundaries of the existing Specific Plan. It also appears that trails are proposed offsite and east of the SP area. The Specific Plan boundary should be revised to include these areas.
- The SP area is approximately 1,330 acres. The project proposes to substantially amend the SP, but it only addresses amendments to about 669 acres. Though the proposed amendments will require further significant amendments to the remainder of the SP, there is no discussion about what changes are going to occur in the remainder of the SP. It is improper

to modify half of a SP and remain silent on the second half, especially when the proposed amendments will make consistency with future phases of the approved SP impossible. For instance, the amended circulation plan completely revises half of the SP's conceptual circulation plan while leaving the other half in place. The amended circulation system no longer aligns with the approved circulation system. The same occurs for the land use, drainage, irrigation, water, wastewater, and grading plans. Any amendments to the SP that will necessarily alter the entire SP must be considered in their entirety.

In fact, in Section C. General Provisions of the SP on page III-2, number 3 states that "Each amendment shall include all sections or portions of the Specific Plan that are affected by change." Because the remainder of the SP is affected by the proposed amendments, the remainder of the SP must be included.

- The Development Agreement (DA) is specific to the approved SP and contains extensive references to it throughout. Amending it to simply remove the requirement for the golf course is not sufficient to keep the DA applicable to the proposed project. For instance, the DA contains specific improvement measures along various roads and at various intersections to address traffic impacts. These measures are no longer sufficient to address the impacts of the proposed project, not to mention the future phase, and must be replaced. This is just one of many examples. Government Code section 65867.5 requires that a development agreement be approved only if the provisions of the agreement are consistent with the applicable specific plan. Wholesale change to the DA will be needed. A new DA should be required.
- The existing SP is dated. It was approved in 1993 and no development within the SP area has occurred pursuant to the SP. The applicant's own Burden of Proof Statement justifies the SP Amendment in part, due to the fact that: "Circumstances have changed since planning for the Northlake Specific Plan area began in the late 1980s. Intervening development in the area has resulted in new and different community desires and needs." This necessitates revision of the SP as a whole, not merely the VTTM No. 51852 area.

For all of these reasons, a new SP should be required.

# B. THE PROJECT IMPROPERLY ATTEMPTS TO AMEND THE APPROVED SPWITH A CONDITIONAL USE PERMIT

According to page 10 of the Specific Plan Amendment dated January 2006, the only proposed text changes to the approved Specific Plan are minor changes to Chapter II, Section E.3, p. H-18 and 19 to eliminate reference to the 18 hole golf course and some minor changes to the permitted use charts to eliminate the golf course as a use type. However, the text of the approved SP specifically addresses the approved land use, phasing, grading plans, drainage,

wastewater, water, irrigation and circulation plans. The text of the SP is specific to these plans or to plans that are substantially consistent with these plans. The proposed amendments are not substantially consistent with the approved conceptual plans; they are very different. Therefore, the majority of the text of the SP will no longer be valid. The majority of the text would need to be substantially amended, and all maps and exhibits replaced so the plan remains pertinent to the actual development. This is not proposed. The intent of a Specific Plan is to identify the plans for development "in detail" (Gov. Code 65451). Allowing development that is not substantially consistent with the approved development plan in the SP renders a SP pointless.

Instead, what is being proposed is an attempt to modify the approved SP with the proposed Conditional Use Permit (see the booklet titled "Site Plan Review Conditional Use Permit Northlake" dated April 2005). With this booklet, submitted as the CUP, the proponents seek to replace most, if not all, of the provisions of the approved SP. For instance, the CUP proposes to:

- Replace the approved land use distribution map in the SP with a new land use map (exhibit 3-1);
- Replace the approved SP circulation plan with a new circulation plan (exhibit 3-4);
- Replace the approved SP recreation and open space plan (section 3.8 and exhibit 3-20);
- Replace all of the approved SP development standards, including site layout, height limits, signage, lighting, accessory uses, etc.(section 4.1)
- · Replace the SP's allowable use types of each land use category;
- Replace the approved SP landscape development guidelines (section 3-12);
- · Replace the approved SP permitted land use charts;
- Replace the approved SP street cross sections (exhibits 3-24 through 3-29);

This is not a comprehensive list. In addition, the replaced plans and standards being proposed are not similar or even substantially consistent with the approved plans: They are completely different.

As can be seen, the proponents seek to completely modify the approved SP through the CUP process. This is highly improper and a violation of state law. Section 65451 of the Government Code states that:

(a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

- (1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- (2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- (3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- (4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

It is the SP, not the CUP, which is required to contain all of these provisions. To put them in the CUP violates state law. Pursuant to SP section B.4., the CUP is the means to implement development of the SP. That development must be consistent with the detailed land use plan, infrastructure plans, and development standards that are required to be in the SP.

Section 65453 of the Government Code further states:

(a) A specific plan shall be...amended in the same manner as a general plan...

A CUP cannot amend a General Plan; therefore, pursuant to this section of the Government Code, a CUP cannot amend a SP. The proposed plans and development standards currently proposed in the CUP must instead be part of the SP amendment.

Attempting to significantly modify a SP with CUP instead of with a SP amendment circumvents the high standards and degree of review, as well as the stringent findings that are required by state law to amend a SP, i.e. those of a General Plan. In addition, avoiding substantial change to the SP by attempting to do so with a CUP avoids the need to amend the Development Agreement, which is based on the SP, not the CUP. Changing the SP with a CUP would render the DA inapplicable to the project, another violation of state law.

Finally, approving the CUP with all of its revised plans and development standards without amending those of the approved SP will result in two conflicting sets of approved plans and development standards; those in the approved SP and those in the proposed CUP. Two sets of conflicting approved plans and standards create the potential for numerous legal problems.

Processing of the proposed amendment to the SP and proposed CUP should be suspended, the applications revised, and then resubmitted. The project description in the EIR must also be

amended.

## C. THE PROPOSED PROJECT IS INCONSISTENT WITH THE COUNTY'S SANTA CLARITA VALLEY AREA PLAN

Page 11 of the Santa Clarita Valley Area Plan, states in its entirety:

"The urban development designated for the area north of Castaic in the Grasshopper Canyon area shall be developed as a Specific Plan incorporating the following components:

- A water reclamation and irrigation system meeting State and County standards;
- Donation of sites for two public elementary schools, two public parks, a public library and fire station;
- Recreation facilities including a public golf course and riding and hiking trails;
- Phasing of the provision of needed infrastructure and community improvements;
- Compatible interface with the light industrial use to the south; and
- A balance of community services and shopping.

If such a Specific Plan is not approved, the underlying Land Use designation shall be Hillside Management."

The approved SP, which includes all of these components, was found to be consistent with the Area Plan. However, the proposed amendments will remove several of these components, including the golf course, riding trails, water reclamation and irrigation system component, school sites, and potentially the on-site library and will, therefore, no longer be consistent with the Area Plan.

The project proponents appear to make the claim that since the approved SP contained these elements and was found to be consistent with the Area Plan then the amendments can remove these components and still rely on the previous finding of Area Plan consistency. This is incorrect for various reasons. First, the Area Plan states that this site "shall be developed" as a SP with these components, not that the site "shall be approved" with a SP with these components that can then be removed prior to development. Simply put, development at this site must contain these components. Second, relying on a previous finding of General Plan consistency as the sole basis to make a General Plan consistency finding for an amended project is improper. The assertion that General Plan requirements can be incorporated into an approved project then later removed and the project would still be consistent with the General Plan is illogical and would set a disastrous precedent. This approach would allow all General Plan requirements to be ignored simply by amending approved projects to remove

them. This practice would essentially invalidate the General Plan.

Pursuant to Government Code 65454, no specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan. Therefore, the project must include an amendment to the Area Plan or the finding that the project is consistent with the General Plan and Area Plan cannot be met.

Though these Area Plan requirements are listed in section 2.3 of the draft SEIR, no discussion is provided regarding the project's lack of abiding by them due to the misrepresentation that the Area Plan says that the SP "should" incorporate these components when, in fact, the Area Plan states that the SP "shall" incorporate them. In addition, the Land Use section of the draft SEIR completely ignores them. The statement in section 4.17.1 "Because the land use concepts in the new Specific Plan are not significantly different from those of the 1992 Specific Plan, then they too are in conformance with the County's General Plan" is far from accurate. The proposed changes to the land use concepts of the SP are not just significant; they are a complete departure from the approved SP and need to be evaluated as an entirely new SP. In addition, the proposed SP seeks to remove the golf course, the water reclamation and irrigation system, the elementary schools, and potentially the on-site library, all requirements of the Area Plan.

The statement under the heading Northlake Specific Plan on page 4.17-6 of the draft SEIR, "The Specific Plan's goals, objectives, and policies supersede and replace those outlined both...in the Los Angeles County General Plan and specifically for the area north of Castaic in the Santa Clarita Valley Area Plan" and the statement on page 4-4 under Santa Clarita Valley Area Plan "...the Northlake Specific Plan is the most recently approved document specific to the project site and supersedes the Area Plan..." are inaccurate. A Specific Plan "systematically implements" the General Plan (Gov. Code section 65450) and must be consistent with the General Plan and Area Plan: it does not supersede nor replace these documents (Gov. Code section 65454). Pursuant to the Threshold Criteria in section 4.17.4, the project, as proposed, will result in a significant, unavoidable impact because it conflicts with policies of the regional planning agency applicable to the proposed project, i.e. the Area Plan.

An Area Plan amendment would be a fundamental change in the Project Description for the draft SEIR.

#### D. PREPARATION OF A SUPPLEMENTAL EIR IS IMPROPER

The proposed Supplement to the EIR is not proper. CEQA Section 15163 permits the preparation of a Supplemental EIR if only "minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." A Subsequent EIR is necessary when, according to CEQA Section 15162, substantial changes are proposed in

the project or with respect to the circumstances under which the project was undertaken that will require major revisions of the previous EIR due to <u>new</u> or <u>increased</u> previously identified significant effects. The approved EIR is fifteen years old.

According to the Draft Supplemental EIR, the proposed project amendments are so substantial and the project circumstances fifteen years ago were so different that they will result in the following:

- Excluding appendices, the original EIR is 164 pages in length. Excluding appendices, the draft SEIR is 486 pages in length. A tripling of the length of the original EIR is not a "minor addition" to the previous EIR.
- The original EIR for the entire SP area identifies a single unavoidable significant impact (air quality). The draft SEIR which focuses on the VTTM No. 51852, identifies <u>nine new</u> significant unavoidable and immitigable environmental impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Land Use, Noise, and Water Quality.
- The draft SEIR identifies <u>nineteen new potentially significant impacts</u> to the environment in the areas of Geotechnical Hazards, Flood and Hydrology, Noise, Water Quality, Biological Resources, Cultural Resources, Visual Qualities, Traffic Access and Circulation, Sewage Disposal, Utilities, Environmental Safety, and Land Use.
- The SEIR proposes <u>seventy-nine new</u> mitigation measures in all of the areas listed above as well as Fire Hazard and Education.
- Several new chapters providing additional areas of evaluation are included in the draft SEIR that were never included in the original EIR, including the entire Land Use, Noise, Cultural Resources, Parks and Recreation, and Population, Housing and Employment chapters.

As is evident, this project does not result in "minor additions" to the previous EIR that would allow for the preparation of a Supplemental EIR pursuant to CEQA. The project *does* result in major revisions to the previous EIR due to <u>new</u> and <u>increased</u> significant effects and changes in circumstances. It should be noted that these major revisions to the approved EIR are a result of the proposed implementation of only half of the approved SP. Further major revisions to the approved EIR, which considered the entire SP, will be necessary with the future phase of the SP, rendering the approved EIR even less applicable to the SP. It appears clear that preparation of a Supplemental EIR is not proper.

Further, because the proposed modifications to the project have resulted in several new

potential and unavoidable significant impacts, it is reasonable to assume that the necessary amendments to the future phase may also result in similar significant impacts. Pursuant to CEQA Section 15165, a new EIR is required "Where an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project." This project is necessary for future action on the high school and changes to the future phase of the project. Approving the project knowing future modifications will be required may commit the County to such future modifications. Therefore, a new EIR that includes the entire SP and high school is necessary, not a Supplemental EIR.

The need for a new EIR is further indication that the changes to the approved SP are so significant that a completely new SP is necessary.

# E. TIERING THE DRAFT SEIR FROM THE PREVIOUS PROGRAM EIR VIOLATES CEOA

On page 1-2 the draft SEIR states that the County determined that a Supplemental EIR be prepared that tiers off of the original Program EIR (though a Supplemental EIR is clearly not proper). The draft SEIR also cites the 2004 EIR prepared for the abutting high school. The tiering and reliance on the previous EIRs are found throughout the document. However, according to CEQA Section 15152(e):

Tiering...shall be limited to situations where the project is consistent with the general plan and zoning of the city or county in which the project is located...

As discussed previously, the project is inconsistent with the Area Plan. Therefore, the SEIR, as well as any future EIR prepared for this project, cannot tier from the earlier Program EIR or the high school's EIR. Because much of the basis and analysis of the Draft SEIR is tiered from the previous EIR s, the draft SEIR is fatally flawed.

Because both Supplemental and Subsequent EIRs by definition rely upon and tier off of earlier EIRs, neither would be applicable to this project. A new Project, Program or Master EIR is required.

### F. THE DRAFT SEIR IS INCOMPLETE, INACCURATE AND FATALLY FLAWED.

The existing SDEIR is fatally flawed and must be redone to analyze a revised SP which addresses the entire SP area, as revised, to include the (currently off-site) borrow site, high school, habitat, trails, and facilities sites. Because the EIR is so fundamentally flawed, only limited comments on the adequacy of the analysis of specific issue areas have been provided. More detailed

comments will be provided once the EIR is completely revised to address the SP as a whole and is recirculated for public review and comment.

## **Project Description Is Incomplete And Inaccurate**

- The project description must be significantly revised to accurately reflect what is being proposed as discussed in Section B of these comments.
- The existing project description fails to clearly describe the components of the existing SP and the changes in the SP that would occur under the proposed project. Currently the reader must refer to other documents on the County's website to gain an understanding of the existing SP However, even after gaining an understanding of the existing SP, it is not possible to understand the changes that would occur under the proposed project, as key information is missing from the draft SEIR. The Project Summary, Introduction, Environmental Setting and Project Description are incomplete and include several inaccuracies, rendering them flawed and misleading.
- The NOP for the project (8/16/2004), describes "Phase One Implementation" as including "a total of 1,732 dwelling units, including 1,260 single-family units on approximately 198.2 acres and 472 multi-family units on 26.4 acres." Table 2 of the NOP shows the project as also including 4 industrial lots on 11.8 acres and one commercial lot on 4.7 acres. Page 3-16 of the daft SEIR states that proposed "VTTM 51852 provides for a total of 1,698 dwelling units, including 1,053 single-family units on approximately 224.9 acres and 645 multi-family units on 42.8 acres." "Lots are also provided for four light industrial parcels (17.9 acres) and one commercial development parcel (5.1 acres) on a total of 23 acres." The project has thus changed, and expanded in scope and size, since issuance of the NOP. An accurate and complete project description is the "sin qua non" of the EIR process. The NOP should be reissued to describe the EIR as evaluating the full SP (as revised).
- The project description is not sufficient. It does not identify the true extent of the proposed changes to the SP, DA, and previously approved EIR as discussed in this letter. It must also include the need to amend the Area Plan.
- The frequent use of phrases that attempt to minimize the true extent of the project, such as "minor revisions" to the approved SP, used throughout the document are subjective and highly misleading.
- The project is not the implementation of Phase 1 of the approved SP. Approved phase 1 includes construction of the golf course and 880 units on 245 acres. The proposed project includes 1,698 units on 670 acres with no golf course.

- The reasoning for a Supplemental EIR is flawed, as discussed above.
- The EIR must include the additional 360 units that are claimed to have been approved.
- The Project Description must include the abutting high school, habitat and facilities areas, and future SP phases. As shown in Exhibit 3-2, the proposed project includes changes to the land use designations outside the area of VTTM No. 51852 and it includes grading and facilities outside of the area of VTTM N. 51852 as shown in Exhibits 3-5, 3-6, 3-7, 3-8, and 3-9. The entire (revised) SP must be analyzed in the EIR.
- The existing SP includes 31 Planning Areas. The project description must include a map showing the location of the Planning Areas and allowable land uses in each area. The project description should also include a table summarizing, by Planning Area, the land use, acres, planned units and planned square feet/FAR of development under the existing and proposed SP. Net change by Planning Area should be clearly enumerated. The project description should clearly state which Planning Areas are included within VTTM No. 51852. As previously noted, County staff state in the April 11, 2007 staff report: "Based on the information available, staff is unable to make a determination of consistency with the adopted Northlake Specific Plan. Staff has repeatedly requested that the proposed Planning Areas be provided in the CUP Review book so that a determination of consistency for TR 51852 can be made with respect to density transfer provisions." County staff has expressed concern regarding deficiencies in the project description.
- The project description should include a table, like Table 3-3 of 3-4 of the DSEIR, for the entire SP area, providing a breakdown of land uses under the existing and proposed SP s.
- The project description should include a table like Table 1 from the NOP showing the breakdown of land uses within Phase 1 under the existing and proposed SP. However, unlike Table 1 in the NOP which includes the 166.9 acres of the golf course within the residential category, thus hiding the effect of the loss of this open space/recreational area, the EIR should provide a line item which clearly shows whether there is a net loss or gain in open space/recreational area with elimination of the golf course and its replacement with parks and trails. The project description should include separate categories for recreation and open space. Including the two categories together does not make it possible to determine whether the golf course has been replaced with recreational area elsewhere, or if the applicant is counting production slopes as off-set for the loss of the golf course.
- The project description should also itemize any proposed changes in the adopted conditions of approval.

#### **Project-Splitting**

The Draft SEIR improperly focuses on the VTTM No. 51852 area, and largely ignores the remainder of the SP area and off-site areas which should be included within a revised SP. Because the proposed amendments to the SP described in the draft SEIR will result in the need to amend the future phases of the Specific Plan, the amendments to the future phases are reasonably foreseeable, if not definite. Pursuant to CEQA section 15378, the EIR must consider the whole of an action which has either a direct or reasonably foreseeable indirect physical change to the environment. This definition necessarily includes the second phase of the SP, the abutting high school, and all off-site facilities and habitat area. Failure to do so is project splitting and a violation of CEQA.

### **Draft SEIR Is Incomplete And Inaccurate**

- The Project proposes relocation of thousands of lineal feet of a crude oil pipeline that currently runs the entire length of the site to a location 1,500-2,000 feet east of the project site. The alignment of the relocated crude oil pipeline is not included on any map exhibits. The potential impacts of its location, construction, and operation have not been evaluated in any way. The relocation of several thousand feet of a crude oil pipeline must be considered a potentially significant impact and fully evaluated. This is another significant change to the approved SP and further reason why a new SP is required.
- The draft SEIR improperly compares the impacts of the proposed 670-acre project to the impacts of the entire 1,330-acre approved SP in an attempt to minimize the true impacts of the proposed project. For instance, under Biological Resources the draft SEIR acknowledges that the approved SP will adversely impact about 13 acres of riparian habitat. Then under Impact 4.7-1 it states that the proposed project will impact about 13.9 acres of riparian habitat and that such impact "has already been assumed with the approval of the 1992 Northlake Specific Plan." This is very misleading. The 13-acre impact acknowledged in the approved SP accounts for the entire 1,330-acre SP. The 13.9 acres impacted by the proposed project accounts for only a 670-acre portion. The degree of impact of the proposed project is therefore likely substantially higher than that of the approved project. It is for reasons like this that CEQA does not allow project splitting and that the entire SP must be evaluated in the draft EIR prepared for this project.
- The EIR should address at least two planning horizons: buildout of the VTTM No. 51852 area and buildout of the entire SP

## **Hydrology**

- The analysis addresses only VTTM No. 51852 and the borrow area. The analysis fails to make clear whether development in the remainder of the SP area would affect runoff in any of the three areas drainage areas analyzed. Based on Exhibit 4.2-1 it would appear that Drainage A would be affected by development on the northern portion of the SP area, and Drainage C would be affected by development of the southern portion of the PS area. Impacts of development of the full SP should be analyzed.
- Page 4.2-11 appears to indicate that tank rupture would not be a problem given assumed likely brick walls along the rear of homes adjacent to the affected portion of NorthLake Blvd. Brick walls should not merely be assumed, but should be included as a required mitigation.
- The statement under Mitigation Measure 4.2-3 that no mitigation is required because future flood control improvements must be reviewed and approved by the County borders on improper deferral of mitigation. The measure must clearly articulate the standards to be met and must include a requirement that the tract map shall not be approved if it can not be demonstrated that the mitigations specified by the study will achieve the required standard. In addition, the mitigation must specify that the project applicant is responsible for the cost of any specified measures and the required timing of measures.
- Page 4.2-15 does not indicate whether or not the existing 42-inch storm drain, which will be extended is adequate for project demands (i.e. for the full SP).

#### **Traffic**

Table 4.10-8 on page 4.10-20 and a similar table in the traffic study identify the high school as a "pending" project, however, the high school was approved in early 2005. According to the EIR prepared for the high school, it is expected to be at a partial capacity of 1,370 students the first year (generating 3,894 daily trips) and at its full capacity of 2,600 students and 175 staff three years after it opens (generating 7,384 daily trips). However, the traffic study for the DSEIR analyzes a student body of only 1,068 students generating 3,033 daily trips (Appendix C of the Traffic Report, Table C-2). Though the DSEIR cites the high school's EIR as a source document (page 4.10-1), it is using school and traffic numbers that are inconsistent with it.

Also, though the traffic report includes cursory analysis of traffic levels at buildout of the entire SP (including future phases) which seems to include a high school at full capacity (though it is unclear), total build out of the SP will occur many years in the future, far beyond the three years that it will take the high school to reach full capacity. In fact, it is likely that the high school will reach full capacity long before Phase 1 is completely built. Therefore, the traffic analysis for this project must include the traffic generated from the high school at its full capacity. As

construction of the high school is completely dependent on this project, this represents an additional 4,351 daily trips generated as a result of this project, a 19% increase over the 23,250 daily trips identified in the traffic analysis.

- There are several truck stops concentrated along Castaic Road, resulting in significant big-rig truck traffic in the area. These trucks currently cause delays at area intersections and roadways that cannot be fully quantified simply by traffic counts (traffic counters typically count the 5 axles of a truck as 2.5 vehicles, but the true delay of trucks at intersections is greater than that of 2.5 cars). The traffic analysis must incorporate this truck traffic and the related delays to determine the true LOS at all intersections. In addition, the high school is anticipated to draw thousands of students from around the Castaic area, the majority of whom must use Lake Hughes Road, Ridge Route, and related intersections where these truck stops are concentrated. The commingling of hundreds of big-rig trucks and thousands of students is a serious safety risk and should be evaluated. Turning movements of these trucks must also be considered when improvements to intersections are proposed as mitigation.
- Page 1-1 of the Traffic Report in Appendix J indicates that there are five industrial or commercial lots within the project site and that future development of these lots is assumed to serve the local community and, therefore, will not generate any trips outside the project boundaries. The approved SP calls for 545,589 square feet of industrial uses on 50 acres and 170,000 square feet of commercial uses on 13.2 acres. Using the ratios of the approved SP, the proposed 18 acres of industrial will contain about 196,000 square feet of uses and the 5 acres of commercial will have about 65,000 square feet of retail uses. According to the Institute of Transportation Engineers Trip Generation Report, the light industrial uses are expected to generate about 1,400 daily trips and the retail uses about 2,800 daily trips.

It is not plausible to assume that only residents of the project will work and shop at these locations, the only scenario that would account for no outside trip generation. Certainly the existing residential community directly to the south would make use of retail opportunities as well as will parents dropping off/picking up students at the nearby elementary school. Therefore, the outside trip generation from these uses should be considered in the traffic study.

## **Biological Resources**

The permits issued by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the California Regional Water Quality Control Board are based on the environmental review and approval of the 1992 Specific Plan. When issuing these permits, it appears that these agencies were not aware of the substantial modifications that this project proposes to the approved 1992 SP, including the

millions of cubic yards of offsite grading and construction of a high school, the relocation of thousands of feet of crude oil pipeline to an adjacent site, and various other offsite improvements. And because the EIR for these changes has not been completed, these agencies are unaware of the impacts of the proposed project. Therefore, these permits do not apply to the proposed project which completely revises and expands the approved SP. The agencies indicate that these permits must be renewed and/or updated to apply to the proposed project. They cannot, therefore, be used as mitigation measures to address impacts of the proposed project. Nor should they be cited in the DEIR as being applicable to this project. Relying on future updated/renewed permits as mitigation is an improper deferral of mitigation.

#### Recreation

- According to Table 3-3 VTTM 51852 includes a 3.7 acre recreation center and 20.3 acres of parks for a total of 24 acres of parks (including "pocket parks") and recreation facility. Page 4.16-11 indicates that the VTTM includes 312.1 acres of land for "recreation and open space purposes." It is inappropriate to include landscaped open space and natural open space as recreational area. The analysis should be corrected to reflect this.
- The proposed VTTM would appear to result in a net loss of acreage dedicated for recreational purposes within the SP. The EIR needs to acknowledge the net loss of dedicated recreational acreage.
- The EIR should indicate that the proposed VTTM is inconsistent with the Area Plan due to the elimination of the golf course and other amenities.
- The EIR needs to address the net change in recreational acreage within the SP as a whole as a result of the proposed project and indicate the degree to which County recreational acreage requirements are met for the SP as a whole with elimination of the golf course.

## **Growth Inducing**

- Because the high school cannot be built without the revised SP being approved, the project must be considered growth inducing.
- The proposed project would result in the addition of a substantial amount of new infrastructure and housing in the area. Because the old EIR for the SP is 15 years old and the proposed project would alter the SP in significant ways, and the growth inducing impacts of the SP are not analyzed in a current EIR, and no reference is made to an EIR which analyzes the impacts of the growth potentially accommodated by the proposed project, the project is growth inducing, rather than growth accommodating.

#### **Alternatives**

- The SDEIR analyzes three alternatives to the proposed project: the existing SP alternative, a reduced development footprint alternative, and a reduced development intensity alternative. The entire alternatives analysis is 6 pages long. The environmental analysis of each alternative is roughly 2 4 paragraphs in length. The alternatives analysis is woefully inadequate.
- Given that the 1993 SP EIR identified only one significant unmitigated impact for the SP and the proposed amended project has significantly more immitigable impacts, a much more detailed analysis of the No Project- Development Consistent with the Existing Specific Plan Alternative is required before it can be concluded that the impacts of the existing SP are similar to those of the proposed project.
- cEQA Guidelines Section 155126.6(e)(2) specifies: "The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." The EIR does not include a No Project Existing Conditions alternative. It therefore violates CEOA.
- The EIR identifies the Reduced Development Intensity Alternative as the environmentally superior alternative because it "would result in fewer significant unavoidable impacts." According to Guidelines Section 15021(a)(2): "A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment."

#### **CONCLUSION**

The SP, DA and the EIR need to be redone. The SP and EIR are fatally flawed. The amended SP needs to be redone, not amended, to address the entire SP area, as well as any currently "off-site" land to be used for infrastructure, grading, or habitat, open space or recreational purposes. Once the SP is redone, the EIR needs to be redone to analyze the entire amended SP. The EIR analysis should address at least two planning horizons: buildout of Phase 1 and buildout of the SP. The EIR should also include a serious analysis of project alternatives, including the No Project – Maintenance of Existing Conditions alternative. A new DA must then be prepared that is specific to the new SP.

Thank you for the opportunity to review the draft SEIR. We look forward to reviewing the revised SP and redone DEIR. If you have any questions please contact Paul Edelman at (310) 589-3200 x. 128

Sincerely,

ELIZABETH A. CHEADLE Chairperson